

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT**Docket Number (Optional)  
480140.457C1

In re Application of: Robert J. Ternansky et al.

Application No. 09/908,969

Filed: July 18, 2001

For: INHIBITORS OF THE ICE/ced-3 FAMILY OF CYSTEINE PROTEASES

The owner, Idun Pharmaceuticals, Inc. of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,515,173. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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2. ☒ The undersigned is an attorney or agent of record.

*Emily W. Wagner*  
Signature

April 2, 2004  
Date

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- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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